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## DRAFTING HISTORY TABLE

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2 <sup>nd</sup> working draft	24.7.2003	#79242 v2
2 <sup>nd</sup> (revised) working draft	30.7.2003	#79242 v3
2 <sup>nd</sup> (2 <sup>nd</sup> revised) working draft	30.7.2003	#79242 v4
3 <sup>rd</sup> working draft	24.12.2003	#79242 v5
3 <sup>rd</sup> (revised) working draft	27.12.2003	#79242 v5A
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2 <sup>nd</sup> draft	8.3.2004	#79242 v7A
2 <sup>nd</sup> (revised) draft	23.3.2004	#79242 v8A
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3 <sup>rd</sup> draft	16.4.2004	#79242 v10A
3 <sup>rd</sup> (revised) draft	20.4.2004	#79242 v11A
4 <sup>th</sup> draft	30.4.2004	#79242 v12A
4 <sup>th</sup> (revised) draft	5.5.2004	#79242 v13A
4 <sup>th</sup> (2 <sup>nd</sup> revised) draft	5.5.2004	#79242 v13B
5 <sup>th</sup> draft	14.5.2004	#79242 v14A
5 <sup>th</sup> (revised) draft	18.5.2004	#79242 v14B
6 <sup>th</sup> draft	21.5.2004	#107116 v1A
6 <sup>th</sup> (revised) draft	24.5.2004	#107116 v2A

CONSTRUCTION WORKERS REGISTRATION BILL

CONSTRUCTION WORKERS REGISTRATION BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for the Environment,  
Transport and Works

<u>Clause</u>	<u>Amendment Proposed</u>
Long title	By deleting "certain kinds of construction work" and substituting "construction operations".
2(1)	(a) In the definition of "authorized officer", by deleting "60(1)" and substituting " <u>17A(1)</u> ". (b) By deleting the definition of "Complaints Committee". (c) In the definition of "construction site" - (i) by deleting "49 and 60(2)(a) and (d)" and substituting " <u>17B and 17C</u> "; (ii) in the Chinese text - (A) by deleting "建造工程或" wherever it appears; (B) in paragraph (a), by deleting " "建造工程"、". (d) In the definition of "construction work" - (i) by deleting "建造工程、";

- (ii) by deleting ", except in relation to Part 4";
  - (iii) in the Chinese text, in paragraph (a)(ii), by deleting "解" and substituting "除".
- (e) By deleting the definition of "levy inspector".
- (f) In the definition of "registered construction worker", by deleting paragraph (c).
- (g) In the definitions of "registered general worker", "registered semi-skilled worker", "registered semi-skilled worker (provisional)", "registered skilled worker" and "registered skilled worker (provisional)", by deleting "currently".
- (h) By deleting the definition of "registered skilled worker (transitional)".
- (i) By deleting the definition of "sub-contractor" and substituting -
- "sub-contractor" (分包商), in relation to a principal contractor, means any person who enters into a contract with another person (whether or not the principal contractor) to undertake all or

any part of the construction work that the principal contractor has undertaken;".

(j) By adding -

"domestic premises" (住用處所) means premises used or intended to be used solely or principally for residential purposes and constituting a separate household unit;".

(k) In the definition of "總承建商", by deleting "造工程" and substituting "造工作".

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(a) In subclause (2) -

(i) in paragraph (a), by adding "or" at the end;

(ii) in paragraph (b), by deleting "or";

(iii) by deleting paragraph (c).

(b) In subclause (3), by deleting paragraph (c).

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(a) In subclause (3), by deleting "set out in subsection (8) is true" and substituting "exists".

- (b) In subclause (4), by deleting "次承建" where it twice appears and substituting "分包".
- (c) In subclauses (5), by deleting "set out in subsection (8)" and substituting "exists".
- (d) In subclause (6) -
  - (i) in paragraph (a), by deleting "set out in subsection (8)" and substituting "exists";
  - (ii) by deleting "影響" and substituting "損害".
- (e) In subclause (7), by deleting "has" where it twice appears and substituting "had".
- (f) In subclause (8) -
  - (i) by deleting "The relevant matter referred to in subsections (3), (5) and (6)(a) is" and substituting "For the purposes of subsections (3), (5) and (6)(a), the relevant matter exists if";
  - (ii) in paragraph (a) -
    - (A) by adding "an offence in relation to" before "a contravention";
    - (B) by deleting "that";
  - (iii) in paragraph (b) -

- (A) by adding "an offence in relation to" before "a contravention";
  - (B) by deleting "that" where it first appears;
  - (C) by deleting "involves" and substituting "involved";
  - (D) in subparagraph (ii), by adding "or" at the end;
  - (E) by deleting subparagraph (iii);
- (iv) in paragraph (c) -
- (A) by adding "an offence in relation to" before "a contravention";
  - (B) by deleting "that" where it first appears;
  - (C) by deleting "involves" and substituting "involved";
  - (D) by deleting subparagraph (iii);
- (v) in paragraph (d) -
- (A) by adding "an offence in relation to" before "a contravention";

(B) by deleting "that" where it first appears;

(C) by deleting "involves" and substituting "involved".

- 7(3)(b)
- (a) By deleting "17" and substituting "18".
  - (b) By adding -
    - "(iiia) 3 persons, each of whom is, in the opinion of the Secretary, a person from a professional body connected with the construction industry in Hong Kong;".
  - (c) In subparagraph (v) -
    - (i) by deleting "2" and substituting "3";
    - (ii) by deleting "association representing" and substituting "union, registered under the Trade Unions Ordinance (Cap. 332), that represents".
  - (d) In subparagraph (vi), by deleting "developer" and substituting "developers association".
  - (e) In subparagraph (vii), by deleting "6" and substituting "3".

- 8
- (a) By deleting subclause (1)(c).

(b) In subclause (2) -

(i) in paragraph (e), by adding "and"  
at the end;

(ii) by deleting paragraph (f).

9(2) By deleting "or (c) or (2)(a), 11(5), 49, 50" and  
substituting "or (2)(a), 11(5)".

12 (a) In subclause (2)(b) -

(i) by deleting "12" and substituting  
"13";

(ii) by deleting subparagraphs (ii),  
(iii), (iv), (v), (vi), (vii) and  
(viii) and substituting -

"(ii) 2 persons, each of whom  
is, in the opinion of  
the Authority, a person  
from a training  
institute in the  
construction industry in  
Hong Kong;

(iii) 1 person who is, in the  
opinion of the  
Authority, a person from  
a professional body  
connected with the



construction industry in  
Hong Kong;

(iv) 2 persons, each of whom  
is, in the opinion of  
the Authority, a person  
from a contractor in the  
construction industry in  
Hong Kong;

(v) 2 persons, each of whom  
is, in the opinion of  
the Authority, a person  
from a trade union,  
registered under the  
Trade Unions Ordinance  
(Cap. 332), that  
represents workers in  
the construction  
industry in Hong Kong;  
and

(vi) 1 person who is, in the  
opinion of the  
Authority, a person from  
the major employers in  
the construction  
industry in Hong Kong."

(b) By deleting subclause (3)(a).

14 By deleting the clause.

15 By deleting the clause.

16 (a) By deleting subclause (2)(e), (f), (g) and  
(h) and substituting -

"(e) 2 persons, each of whom is, in the  
opinion of the Authority, a person  
from a contractor in the  
construction industry in Hong  
Kong; and

(f) 2 persons, each of whom is, in the  
opinion of the Authority, a person  
from a trade union, registered  
under the Trade Unions Ordinance  
(Cap. 332), that represents  
workers in the construction  
industry in Hong Kong."

(b) By deleting subclause (3)(b).

New By adding -

"PART 3A

AUTHORIZED OFFICERS

**17A. Appointment of authorized officers**

(1) The Authority may, subject to the approval of the Secretary, appoint in writing a person to be an authorized officer for the purposes of this Ordinance (other than Part 4).

(2) The Authority shall issue to each authorized officer a certificate of appointment that -

(a) gives the name of the authorized officer to whom it is issued; and

(b) states that it is issued by or on behalf of the Authority under this Ordinance.

(3) When performing or exercising a function or power under this Ordinance, an authorized officer shall, if requested to do so, produce for inspection his certificate of appointment.

(4) An authorized officer may perform or exercise any of his functions or powers

under this Ordinance with the assistance of such police officers or other persons, or both, as the authorized officer thinks fit.

**17B. Powers of authorized officers to enter construction site**

(1) Where a warrant has been issued under subsection (2) in respect of a construction site, or where subsection (4) applies in respect of a construction site, an authorized officer may -

- (a) at any time, using such force as may be necessary, enter and search the site;
- (b) remove anything that obstructs the entry and search;
- (c) detain any person found on the site, during such period as is reasonably required to permit the search to be carried out, where that person might prejudice the purpose of the search if he were not so detained; and

(d) inspect, seize, detain and remove from the site anything that is or contains, or appears to the officer to be or to contain, evidence of the commission of an offence under this Ordinance.

(2) A magistrate may issue a warrant authorizing an authorized officer to enter and search a construction site if the magistrate is satisfied by information on oath that there are reasonable grounds to suspect that -

(a) an offence under this Ordinance is being or has been committed on the site;  
or

(b) there is on the site anything that is or contains evidence of the commission of an offence under this Ordinance.

(3) A warrant issued under subsection (2) continues in force until -

(a) the expiration of 1 month after the date of its issue;  
or

- (b) the purpose for which entry is required has been fulfilled,

whichever first occurs.

(4) An authorized officer may, without a warrant issued under subsection (2), exercise any of the powers referred to in subsection (1) in respect of a construction site (other than domestic premises) if -

- (a) he reasonably suspects that -

- (i) an offence under this Ordinance is being or has been committed on the site; or

- (ii) there is on the site anything that is or contains evidence of the commission of an offence under this Ordinance; and

- (b) it is not practicable to obtain such a warrant in respect of the site before exercising those powers.

(5) For the purposes of ascertaining whether the provisions of this Ordinance have been or are being complied with, an authorized officer may enter a construction site at all reasonable times.

(6) This section does not prejudice any power of entry and search conferred on police officers under any other law.

**17C. Other powers of authorized officers**

(1) An authorized officer who has entered a construction site under section 17B(1) or (5) may -

- (a) inspect and examine the site;
- (b) inspect and examine any plant, equipment or substance found on the site;
- (c) take photographs of the site or of any plant, equipment or substance found on the site;
- (d) require any person found on the site -
  - (i) to state whether he is a registered

construction

worker; and

- (ii) if the person states that he is a registered construction worker, to produce his registration card;

- (e) in relation to any person found on the site whom the officer reasonably suspects of committing, or having committed, an offence under this Ordinance -

- (i) on informing the person of the person's act or omission that may constitute the offence, require the person -

- (A) to give to the officer the person's name, address and



telephone  
number and  
such other  
personal  
particulars as  
the officer  
may reasonably  
require; and

(B) to produce to  
the officer  
for inspection  
the person's  
identity card  
issued under  
the  
Registration  
of Persons  
Ordinance  
(Cap. 177) or  
the person's  
other  
documentary  
evidence of  
identity; and

(ii) detain the person  
for a reasonable

period while the  
officer inquires  
about the suspected  
commission of the  
offence;

(f) subject to subsection (2),  
require any person found on  
the site to provide  
information that may enable  
the officer to identify -

(i) the principal  
contractor for the  
site; or

(ii) the employer of any  
person who  
personally carries  
out on the site  
construction work;

(g) examine the records referred  
to in section 59(7)(a) and  
make copies of all or any  
part of those records; and

(h) require the principal  
contractor for the site, or  
any person who is apparently  
an employee or agent of that

contractor, to provide the officer with such assistance and facilities as are reasonably necessary to enable the officer to perform or exercise his functions or powers.

(2) An authorized officer shall not exercise the power under subsection (1)(f) unless he reasonably believes that the person has the information.

(3) An authorized officer may, in relation to anything that the officer seizes, detains or removes from a construction site under section 17B(1)(d) -

- (a) retain the thing for such period as may be reasonably necessary; and
- (b) if he reasonably believes that the thing is evidence of the commission of an offence under this Ordinance, retain the thing until proceedings for the offence have been heard and finally determined.

(4) An authorized officer may -

- (a) in order to make copies of records referred to in section 59(7)(a), remove the records from the construction site and retain them for such period as may be reasonably necessary; and
- (b) if he reasonably believes that the records are evidence of the commission of an offence under this Ordinance, remove the records from the construction site and retain them until proceedings for the offence have been heard and finally determined."

18

- (a) In the heading, by deleting "**and application**".
- (b) In subclause (1) -
  - (i) by deleting the definition of "construction works" and substituting -
    - "construction operations" (建造工程), subject to section 18C, has the

meaning assigned to it  
in Schedule 1 to the  
Industrial Training  
(Construction Industry)  
Ordinance (Cap. 317);";

- (ii) by deleting the definition of  
"value" and substituting -

"value" (價值), in relation to  
construction operations,  
has the meaning assigned  
to it in section 18A";

- (iii) by adding -

"construction contract" (建造  
合約) has the meaning  
assigned to it in  
section 2(1) of the  
Industrial Training  
(Construction Industry)  
Ordinance (Cap. 317);  
"contract of employment" (僱傭  
合約) has the meaning  
assigned to it in  
section 2(1) of the  
Employment Ordinance  
(Cap. 57);

"levy inspector" (徵款督察)

means a person who is  
appointed under section  
30A;

"term contract" (固定期合約)

has the meaning assigned  
to it in section 2(1) of  
the Industrial Training  
(Construction Industry)  
Ordinance (Cap. 317);

"total value" (總價值), in

relation to construction  
operations, has the  
meaning assigned to it  
in section 18B;

"works order" (施工通知) has

the meaning assigned to  
it in section 2(1) of  
the Industrial Training  
(Construction Industry)  
Ordinance (Cap. 317).".

(c) By deleting subclause (2).

(d) In subclause (3), by deleting "construction  
works" and substituting "construction  
operations".

(e) By adding -

"(4) For the purposes of this

Part -

(a) where a person carries out any construction operations for any other person under a contract of employment, the construction operations shall be regarded as carried out by -

(i) subject to subparagraph (ii), that other person; or

(ii) where the first-mentioned person is a contractor by virtue of paragraph (a)(i) of the definition of "contractor"

in section 2(1)  
of the  
Industrial  
Training  
(Construction  
Industry)  
Ordinance (Cap.  
317), the  
first-  
mentioned  
person;

- (b) where a person carries out any construction operations for himself without arrangement (except under a contract of employment) for the carrying out of such operations by any other person, the first-mentioned person shall, apart from being the person who carries out the construction operations, also be regarded as the person



for whom such operations  
are carried out,  
and the definitions of "contractor" and  
"employer" and the other provisions of  
this Part shall be construed  
accordingly.

(5) For the purposes of this  
Part, a person shall be regarded as  
undertaking or carrying out  
construction operations if -

(a) he manages, or arranges  
for, the carrying out of  
the construction  
operations by any other  
person for the employer  
concerned, whether by  
way of sub-contracting  
or otherwise; or

(b) he provides his own  
labour or that of any  
other person for the  
carrying out of the  
construction  
operations."

**"18A. Value of construction operations**

(1) For the purposes of this Part, "value" (價值), in relation to construction operations, means -

(a) where the construction operations are carried out under a construction contract, the consideration attributable to such operations, as stated in, or ascertainable by reference to, the contract; or

(b) where the construction operations are not carried out under a construction contract, the reasonable consideration to be expected on the open market in respect of the carrying out of such operations.

(2) Notwithstanding subsection (1)(a), if in a particular case the consideration attributable to the construction operations concerned as determined in accordance with that subsection is below the reasonable consideration to be expected on the open

market in respect of the carrying out of such operations, that subsection shall be deemed to contain a reference to the reasonable consideration described in this subsection instead of the consideration described in that subsection.

(3) For the purposes of subsections (1)(b) and (2), the Authority may, when ascertaining the reasonable consideration as referred to in those subsections in respect of the carrying out of any construction operations, have regard to all or any of the following matters -

- (a) the cost or value of materials used in the construction operations;
- (b) the cost or value of time, work and labour involved in the construction operations;
- (c) the equipment used in the construction operations;
- (d) such overhead costs incurred in relation to the construction operations as the Authority considers reasonable;

- (e) the reasonable profit to be expected on the open market in respect of the carrying out of the construction operations;
- (f) any other factors that the Authority considers appropriate.

**18B. Total value of construction operations**

For the purposes of this Part, "total value" (總價值), in relation to construction operations, means -

- (a) where the construction operations are carried out under a construction contract -
  - (i) in the case the construction contract is a term contract, the aggregate of the respective values of all construction operations carried

out as required by  
works orders issued  
under the contract;

(ii) in the case the  
construction  
operations are or  
form part of any  
construction  
operations that are  
carried out in  
stages, the  
aggregate of the  
respective values  
of all stages of  
the operations so  
carried out; or

(iii) in any other case,  
the value of the  
construction  
operations; or

(b) where the construction  
operations are not carried  
out under a construction  
contract -

(i) in the case the  
construction

operations are or  
form part of any  
construction  
operations that are  
carried out in  
stages, the  
aggregate of the  
respective values  
of all stages of  
the operations so  
carried out; or  
(ii) in any other case,  
the value of the  
construction  
operations.

**18C. Application to construction  
operations**

(1) This Part shall not apply to any  
construction operations -

- (a) the tender for which was  
submitted before the  
commencement of this Part; or
- (b) that began before that  
commencement.

(2) This Part shall not apply to any construction operations -

(a) which are carried out for a person who occupies any domestic premises or part of any domestic premises; and

(b) the sole or principal purpose of which is to decorate, alter, repair, maintain or renovate the premises or such part of such premises.

(3) This Part shall not apply to any construction operations, or any type or description of construction operations, which are or is excluded from the application of this Part by the Chief Executive in Council by order published in the Gazette.

(4) Without limiting the generality of subsection (3), an order made under that subsection may specify the circumstances under which or the purposes for which any construction operations, or any type or description of construction operations, referred to in the order are or is to be excluded from the application of this Part.

(5) In this section, a person shall be regarded as a person who occupies a domestic premises if he intends to occupy the premises."

19

By deleting the clause and substituting -

**"19. Imposition of levy**

(1) A levy at the prescribed rate shall be imposed on the value of all construction operations undertaken or carried out in Hong Kong.

(2) Notwithstanding subsection (1), construction operations the total value of which does not exceed the prescribed amount shall not be liable to the levy.

(3) Subject to section 24(8A), the levy shall be payable in accordance with this Part by every contractor who carries out the construction operations.

(4) The Secretary may by notice published in the Gazette -

(a) prescribe the rate for the purposes of subsection (1);  
and

(b) prescribe the amount for the purposes of subsection (2).



(5) Any rate prescribed under  
subsection (4)(a) -

(a) shall not come into effect  
before the expiration of 28  
days after the last day of the  
period within which a  
resolution providing for the  
amendment of the notice may be  
passed in accordance with  
section 34 of the  
Interpretation and General  
Clauses Ordinance (Cap. 1);  
and

(b) shall not apply to any  
construction operations if,  
before the date on which the  
rate comes into effect under  
paragraph (a) -

(i) the tender for the  
construction  
operations has been  
submitted to the  
employer concerned;

(ii) no tender for the  
construction  
operations has been

submitted to the  
employer concerned,  
but a construction  
contract in respect  
of the construction  
operations has been  
entered into; or

(iii) no tender for the  
construction  
operations has been  
submitted to the  
employer concerned  
and no construction  
contract in respect  
of the construction  
operations has been  
entered into, but  
the construction  
operations have  
begun." .

20 By deleting the clause.

21 By deleting the clause.

22

- (a) In the heading, by deleting "**works**" and substituting "**operations**".
- (b) In subclause (1) -
  - (i) by deleting "any construction works" and substituting "any construction operations";
  - (ii) in paragraph (a), by deleting "undertaking the construction works" and substituting "in respect of the construction operations";
  - (iii) in paragraph (b), by deleting "works" and substituting "operations";
  - (iv) by deleting "such a contractor undertaking the construction works or such an" and substituting "the contractor in respect of the construction operations or the";
  - (v) by deleting "works, as" and substituting "operations, as".
- (c) By deleting subclause (2) and substituting -
  - "(2) Except in the case of a term contract, subsection (1) shall not apply in respect of any construction operations if it is reasonably

estimated that the total value of such operations does not exceed the amount prescribed under section 19(4)(b)."

(d) In subclause (3), by deleting "value of the construction works" and substituting "total value of the construction operations".

(e) By deleting subclause (4) and substituting -  
"(4) A contractor or authorized person complies with subsection (1) if he -

(a) had given a notice to CITA under section 24 of the Industrial Training (Construction Industry) Ordinance (Cap. 317) in respect of the construction operations; and

(b) sent a copy of that notice to the Authority within the period of 14 days, or such further time as the Authority may have allowed, within which he shall give

notice under that  
subsection."

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- (a) In the heading, by deleting "**works, etc.**" and substituting "**construction operations**".
  - (b) In subclause (1) -
    - (i) by deleting "Where" and substituting "Subject to subsection (1A), where";
    - (ii) by deleting "works" wherever it appears and substituting "operations";
    - (iii) by deleting "being".
  - (c) By adding -
    - "(1A) Where any payment or interim payment is made in any calendar month to a contractor or for his benefit in respect of any construction operations that are carried out under a term contract, the contractor shall, within 14 days after the last day of that month or such further time as the Authority may in any case allow, give notice of it to the Authority in the specified form."
  - (d) In subclause (2) -

- (i) by deleting "works" wherever it appears and substituting "operations";
  - (ii) by deleting "being".
- (e) By deleting subclause (3) and substituting -
  - "(3) Except in the case of a term contract, subsections (1) and (2) shall not apply in respect of any construction operations if it is reasonably estimated that the total value of such operations does not exceed the amount prescribed under section 19(4)(b)".
- (f) In subclause (4) -
  - (i) by adding ", (1A)" before "or (2)";
  - (ii) by deleting "works" where it twice appears and substituting "operations".
- (g) By deleting subclause (5) and substituting -
  - "(5) A contractor or authorized person complies with subsection (1), (1A) or (2) if he -
    - (a) had given a notice to CITA under section 25 of the Industrial Training

(Construction Industry)  
Ordinance (Cap. 317) in  
respect of the relevant  
payment or completion;  
and

(b) sent a copy of that  
notice to the Authority  
within the period of 14  
days, or such further  
time as the Authority  
may have allowed, within  
which he shall give  
notice under that  
subsection."

(h) In subclause (6), by adding ", (1A)" before  
"or (2)".

24

(a) In subclause (1) -

- (i) by adding "or (1A)" after "23(1)";
- (ii) by deleting "from the contractor";
- (iii) by deleting "works" where it twice  
appears and substituting  
"operations".

(b) In subclause (2) -

- (i) by deleting "to the contractor";

- (ii) by deleting "works" wherever it appears and substituting "operations".
- (c) In subclause (3) -
  - (i) by deleting "works" wherever it appears and substituting "operations";
  - (ii) by deleting "from the contractor".
- (d) In subclause (4), by deleting "works" wherever it appears and substituting "operations".
- (e) By adding -
  - "(4A) Notwithstanding subsections (1), (2) and (3), where construction operations are carried out under a term contract, the Authority may defer the making of any assessment under subsection (1), (2) or (3) until such time as the Authority considers appropriate."
- (f) In subclauses (5) and (6) -
  - (i) by deleting "from the contractor";
  - (ii) by deleting "works" wherever it appears and substituting "operations".



(g) In subclause (7), by deleting "subsection (5)" and substituting "this section and payable by the contractor".

(h) By deleting subclause (8) and substituting -  
"(8) Any assessment of levy or imposition of surcharge under this section shall be notified in writing by the Authority.

(8A) A levy or surcharge shall not be payable by a contractor -

(a) if he has not been notified by the Authority of an assessment of such levy or imposition of such surcharge, as the case may be, under subsection (8); or

(b) to the extent that the levy or surcharge, as the case may be, has been paid by any other contractor unless the levy or surcharge, as the case may be, may be required or ordered to

be repaid to that other contractor under section 25(4), 27(4) or 28(4).".

(i) In subclause (9) -

- (i) by deleting "An" and substituting "Subject to subsection (10), an";
- (ii) in paragraph (a), by deleting "works" and substituting "operations";
- (iii) in paragraph (b), by adding a comma after "surcharge".

(j) By adding -

"(10) If construction operations are carried out under a term contract, an assessment or surcharge under this section shall be made or imposed within -

- (a) 2 years after the completion of all construction operations to which the contract relates;
- (b) 2 years after the expiration of the period within which all construction operations

to which the contract relates have to be completed as provided for by the contract; or  
(c) 1 year after evidence of facts, sufficient in the opinion of the Authority to justify the making of the assessment or the imposition of the surcharge, comes to its knowledge,

whichever is the last to occur.

(11) For the purposes of this section, where the amount of levy due in respect of a stage of any construction operations is assessed under this section, the amount of levy shall be assessed as if such stage of the construction operations separately constitutes construction operations subject to payment of levy under this Ordinance."

25(4) (a) By adding "any levy or surcharge payable under subsection (1), or" after "part of".

(b) By adding a comma after "(3)".

29

(a) In subclause (1) -

- (i) by deleting "any construction works" and substituting "any construction operations";
- (ii) in paragraph (a) -
  - (A) by deleting "works" wherever it appears and substituting "operations";
  - (B) by deleting "being";
- (iii) in paragraph (b), by deleting "works" where it twice appears and substituting "operations".

(b) In subclause (3) -

- (i) by adding -
  - "(aa) to the supply of a copy of personal data in compliance with a data access request under section 18 of the Personal Data (Privacy) Ordinance (Cap. 486);";
- (ii) in paragraph (c), by deleting "works" and substituting "operations".

New By adding -

**"30A. Levy inspector**

The Authority may, subject to the approval of the Secretary, appoint in writing a person to be a levy inspector for the purposes of this Part."

35 (a) In subclause (1) -

- (i) in paragraph (d), by deleting "屆滿" and substituting "期滿的";
- (ii) by deleting paragraph (e)(iii);
- (iii) in paragraph (f), by adding "and" at the end;
- (iv) in paragraph (g) -
  - (A) by deleting "or (6)";
  - (B) by deleting "; and" and substituting a full stop;
- (v) by deleting paragraph (h).

(b) In subclause (2)(a), by deleting "the person with whom he is dealing" and substituting "a person".

36 By deleting subclause (3).

37 (a) In subclause (2) -

(i) in paragraph (a), by deleting "or"  
at the end;

(ii) by adding -

"(aa) holds a certificate  
referred to in section  
38(1)(b) -

(i) in respect of  
a training  
course  
applicable to  
the trade that  
the Authority  
specifies  
under section  
38(1); and

(ii) issued to the  
person while a  
registered  
skilled worker  
(provisional)  
for the trade;  
or".

(b) In subclause (3) -

(i) in paragraph (a), by deleting "or"  
at the end;

(ii) by adding -

"(aa) holds a certificate referred to in section 38(1)(b) -

(i) in respect of a training course applicable to the trade that the Authority specifies under section 38(1); and

(ii) issued to the person while a registered skilled worker (provisional) for the trade; or".

(c) In subclause (4) -

(i) by adding ", as at the commencement of this subsection," after "satisfied that";

(ii) by deleting "but less than 10 years".

- (d) In subclause (7), by adding ", as at the commencement of this subsection," after "satisfied that".

38

By deleting the clause and substituting -

**"38. Training course for registered skilled worker (provisional)**

(1) The Authority may, in relation to the registered skilled workers (provisional) for a designated trade, specify a training course -

- (a) which is, in the opinion of the Authority, a course of training for those workers on carrying out on a construction site construction work that involves any work described in column 2 of Part 1, 2 or 3 of Schedule 1 opposite the trade; and
- (b) in respect of which a certificate is issued to a person who -



- (i) attends and completes the course;
- (ii) attends and completes the assessment, conducted during or at the end of the course, of the person's competence in the area covered by the course; and
- (iii) satisfies the assessor that the person is so competent.

(2) The Authority shall give notice in the Gazette of any training course that it specifies under subsection (1).

(3) A registered skilled worker (provisional) for a designated trade may, at his own cost, attend such training course applicable to the trade as the Authority specifies under subsection (1).".

- 40 (a) In subclause (1), by deleting ", or a  
registered skilled worker (transitional),".
- (b) In subclauses (2) and (5), by deleting ", a  
registered skilled worker (transitional)".

41 By deleting the clause and substituting -

**"41. Acceptance and rejection of  
registration**

(1) The Registrar shall accept or  
reject an application for registration or  
renewal of registration in accordance with  
this Ordinance.

(2) Where the Registrar rejects an  
application for registration or renewal of  
registration, the Registrar shall notify in  
writing the applicant of the rejection and  
the reasons for the rejection."

- 42 (a) In subclause (2) -
- (i) in paragraph (a), by deleting  
"date of registration or renewal  
of registration" and substituting  
"relevant date";
- (ii) in paragraph (b), by deleting "42  
months after the date of

registration or renewal of  
registration" and substituting "48  
months after the relevant date".

(b) In subclause (6) -

- (i) in paragraph (a), by adding "and"  
at the end;
- (ii) in paragraph (b), by deleting "  
and" and substituting a full stop;
- (iii) by deleting paragraph (c).

(c) By adding -

"(6A) An application under  
subsection (5) shall be made -

- (a) not earlier than 3  
months before and not  
later than 7 business  
days before the date of  
expiry of the person's  
registration;
- (b) after the expiry of the  
period referred to in  
paragraph (a) but before  
the date on which the  
Registrar gives notice  
to the person that the  
Registrar intends to  
cancel the person's

registration under  
section 47(1)(b); or  
(c) in the case where the  
Registrar has given  
notice to the person  
that the Registrar  
intends to cancel the  
person's registration  
under section 47(1)(b),  
before the expiry of the  
period of 14 days  
referred to in section  
47(2)(b).".

(d) By deleting subclause (9) and substituting -

"(9) In this section -

"registration" (註冊) means registration

under this Ordinance as -

- (a) a registered skilled  
worker for a designated  
trade;
- (b) a registered semi-  
skilled worker for a  
designated trade; or
- (c) a registered general  
worker,

and "registered" (註冊) shall be construed accordingly;

"relevant date" (有關日期) means -

- (a) the date of registration;
- (b) in the case of an application for renewal of registration made in accordance with subsection (6A)(a), the date on which the registration would have expired but for the renewal;
- (c) in the case of an application for renewal of registration made in accordance with subsection (6A)(b) -
  - (i) the date on which the registration would have expired but for the renewal; or

(ii) the date of  
renewal of  
registration,  
whichever is the later;  
or

(d) in the case of an  
application for renewal  
of registration made in  
accordance with  
subsection (6A)(c), the  
date of renewal of  
registration."

43 (a) By deleting subclause (2).

(b) In subclause (4), by deleting ", a registered  
skilled worker (transitional)".

46 (a) In subclause (1) -

(i) in paragraph (b) -

(A) in subparagraph (i), by  
adding "or" at the end;

(B) in subparagraph (ii), by  
deleting "or";

(C) by deleting subparagraph  
(iii);

(ii) by deleting paragraph (c)(iii).

(b) In subclause (3)(a), by deleting "次承建" and substituting "分包".

(c) In subclause (8), by deleting "subsection (3)" and substituting "subsection (5)".

47

(a) By deleting subclauses (4) and (6).

(b) In subclause (7) -

(i) by deleting "or suspends";

(ii) by deleting "or suspension".

(c) By deleting subclause (10).

(d) In subclause (11), by deleting ", (9) or (10)" and substituting "or (9)".

Part 6

By deleting the Part.

52

(a) In subclause (1) -

(i) by deleting "38(1), 39(1),

41(1)(a)" and substituting "41(1)";

(ii) by adding "on" after "serving".

(b) In subclause (5), by adding "of a decision" after "review".

(c) In subclause (6), by adding "of" after "review".

(d) By adding -

"(7) As soon as practicable after receiving the recommendation of the

Review Committee in respect of a  
person's request for review of a  
decision, the Registrar shall -

(a) having regard to the  
recommendation -

(i) confirm, vary  
or reverse the  
decision; or

(ii) substitute the  
decision with  
such other  
decision as  
the Registrar  
thinks fit;  
and

(b) notify in writing the  
person of -

(i) if the  
Registrar  
confirms the  
decision, the  
confirmation;

(ii) if the  
Registrar  
varies the  
decision, the



decision as varied;

(iii) if the Registrar reverses the decision, the reversal; or

(iv) if the Registrar substitutes the decision with another decision, that other decision,

and the reasons for doing so."

53 (a) By deleting subclause (1) and substituting -

"(1) A person who is the subject of a decision under section 41(1), 42(1) or 47(1) may, after being notified under section 52(7)(b) of the confirmation, variation or substitution of the decision, appeal against -

- (a) if the Registrar confirms the decision, the decision;
- (b) if the Registrar varies the decision, the decision as varied; or
- (c) if the Registrar substitutes the decision with another decision, that other decision,

by serving on the Authority a notice of appeal stating the substance of the matter and reasons for the appeal."

- (b) By deleting subclause (2) and substituting -

"(2) For the purpose of an appeal under this Part -

- (a) if the Registrar varies a decision, the decision as varied; or
- (b) if the Registrar substitutes a decision with another decision, that other decision,

is also a decision of the Registrar."

(c) In subclause (3), by deleting "the Authority, within 3 business days after the decision," and substituting "on the Authority".

(d) In subclause (4) -

(i) in paragraph (a), by deleting "and";

(ii) in paragraph (b), by deleting the full stop and substituting "; and";

(iii) by adding -

"(c) served on the Authority -

(i) in the case of an appeal against a decision under subsection (1), within 2 weeks after the Registrar notifies the person under section 52(7)(b); or

(ii) in the case of an appeal

against a  
decision under  
subsection  
(3), within 3  
business days  
after the  
decision."

54 (a) In subclause (1) -

(i) by deleting "The Secretary" and  
substituting "Subject to  
subsection (2), the Secretary";

(ii) by deleting paragraphs (d), (e),  
(f) and (g) and substituting -

"(d) not less than 10 are  
persons, each of whom  
is, in the opinion of  
the Secretary, a person  
from a contractor in the  
construction industry in  
Hong Kong; and

(e) not less than 10 are  
persons, each of whom  
is, in the opinion of  
the Secretary, a person  
from a trade union,

registered under the  
Trade Unions Ordinance  
(Cap. 332), that  
represents workers in  
the construction  
industry in Hong Kong."

(b) By deleting subclause (2)(d).

(c) By deleting subclause (3) and substituting -

"(3) An appointment under  
subsection (1) shall be notified in the  
Gazette.

(3A) A member of the Appeal Board  
panel shall be appointed for a term of  
not more than 3 years."

(d) In subclause (5)(a), by deleting ", a member  
of the Complaints Committee".

55(2) By deleting everything after "of 5" and  
substituting -

"members, of whom -

(a) not more than 2 are selected  
in rotation from the members  
of the Appeal Board panel  
specified in section  
54(1)(a), (b) and (c);

(b) not more than 2 are selected in rotation from the members of the Appeal Board panel specified in section 54(1)(d); and

(c) not more than 2 are selected in rotation from the members of the Appeal Board panel specified in section 54(1)(e).".

56(1)(b)(i) By deleting "or order".

57 By adding -

"(3) In this section, "legal practitioner" (法律執業者) means counsel, or a solicitor, who holds a current practising certificate.".

58 (a) By deleting subclause (1)(b).

(b) In subclause (3)(a), by deleting "or order" wherever it appears.

59 (a) In subclauses (1), (3)(b) and (4)(a), by deleting "程" wherever it appears and substituting "作".

(b) In subclause (7)(a)(ii)(A), by deleting "次承建" and substituting "分包".

(c) In subcaluse (9)(b), by deleting "造工程" and substituting "造工作".

60 By deleting the clause.

61 (a) In the heading, by deleting "**and of failure to attend inquiries or hearing as witness, etc.**" and substituting "**, of failure to attend as witness and of obstructing authorized officers, etc.**".

(b) In subclause (1) -

(i) by adding before paragraph (a) -

"(aa) a requirement made to the person under section 17C(1)(d)(i), (e)(i)(A) or (f)";

(ii) by deleting paragraph (b).

(c) In subclause (2) -

(i) in paragraph (a), by deleting "by the Complaints Committee to attend an inquiry or";

(ii) in paragraph (b) -

(A) by deleting "an inquiry  
before the Complaints  
Committee, or";

(B) by deleting ", as" and  
substituting "as";

(C) by deleting "Committee or".

(d) By adding -

"(3) A person who -

(a) without reasonable  
excuse, resists,  
obstructs or delays an  
authorized officer who  
is performing or  
exercising, or  
attempting to perform or  
exercise, a function or  
power under this  
Ordinance;

(b) without reasonable  
excuse, fails to comply  
with a requirement made  
to the person under  
section 17C(1)(d)(i),  
(e)(i) or (f);

(c) without reasonable  
excuse, prevents, or



attempts to prevent,  
another person from  
assisting an authorized  
officer in the  
performance or exercise  
of the officer's  
functions or powers  
under this Ordinance; or

(d) directly or indirectly,  
intimidates or  
threatens -

(i) an authorized  
officer in the  
performance or  
exercise of  
the officer's  
functions or  
powers under  
this  
Ordinance; or

(ii) a person  
assisting such  
an officer in  
the  
performance or  
exercise of

those  
functions or  
powers,

commits an offence and is liable on  
conviction to a fine at level 3."

New By adding -

**"61A. Prosecution may be brought  
in Authority's name**

Without prejudice to any Ordinance  
relating to the prosecution of criminal  
offences or to the powers of the Secretary  
for Justice in relation to the prosecution  
of criminal offences, a prosecution for an  
offence under this Ordinance may be -

- (a) brought in the name of the  
Authority; and
- (b) commenced and conducted by a  
member or employee of the  
Authority authorized in that  
behalf in writing by the  
Authority."

63(5)(a) By deleting "complaint,".

64(1) By deleting paragraph (b).

66 By deleting "Schedules" and substituting  
"Schedule".

Schedule 1 (a) By deleting "39, 40, 41, 46, 49 & 66]" and  
substituting "38, 40, 46 & 66]".

(b) In Part 1 -

(i) in the heading, by deleting "  
REGISTERED SKILLED WORKER  
(PROVISIONAL) OR REGISTERED SKILLED  
WORKER (TRANSITIONAL)" and  
substituting "OR REGISTERED SKILLED  
WORKER (PROVISIONAL)";

(ii) in item 8 -

(A) in column 1, by deleting "清拆"  
and substituting "拆卸";

(B) in column 2, by deleting "清  
拆、拆卸" and substituting "拆  
卸、拆除";

(C) in column 3, by deleting "清拆"  
and substituting "拆卸";

(iii) in item 9 -

(A) in column 1, by deleting "清拆  
工(違例建築物)" and substituting

"拆卸工(違例建築工程)";

(B) in column 2 -

(I) by deleting "building works carried out" and substituting "buildings erected, or building works carried out,";

(II) by deleting "清拆、拆卸" and substituting "拆卸、拆除";

(C) in column 3, by deleting "清拆工(違例建築物)" and substituting "拆卸工(違例建築工程)";

(iv) in item 10, in column 2, in paragraph (a), by deleting "清拆" and substituting "拆卸";

(v) in item 11, in column 4, by adding "for Grade A, B, C or H electrical work" after "worker";

(vi) in item 12, in column 1, by deleting "機械";

(vii) in item 15, in column 2, by deleting "supply systems" and substituting "fittings";

- (viii) in item 17, in column 1, by deleting "機械";
- (ix) in item 30 -
  - (A) in column 1, by deleting "(Demolition)" and substituting "(Demolition) - Excavator";
  - (B) in column 2, by deleting everything after "operate" and substituting "excavators to demolish, dismantle and remove buildings or structures, or any part thereof";
  - (C) by deleting column 3 and substituting -
    - "Not applicable";
  - (D) by deleting column 4 and substituting -
    - "Both of the following -
      - (a) trade test certificate for Plant and Equipment Operator (Demolition) - Excavator issued by

CITA; and

(b) certificate as defined in section 2(1) of the Factories and Industrial Undertakings (Loadshifting Machinery) Regulation (Cap. 59 sub. leg.) and applicable to excavators";

(x) in item 45, in columns 1, 2 and 4, by adding "起重機" after "吊臂";

(xi) in item 53, in column 2, by deleting everything after "貨車" and substituting "在建造工地範圍內運送建造物料、建築碎料或挖掘出來的沙石，或將該等物料、碎料或沙石運入或運出建造工地";

(xii) by adding -

"53A. Truck Driver (Medium goods	To drive medium goods vehicles within the meaning of section 2 of the	Not applicable	Full driving licence within the meaning of the Road
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vehicles)	Road Traffic	Traffic
	"	
	Ordinance (Cap. 374)	(Driving
	to transport	Licences)
	construction	Regulations
	materials, building	(Cap. 374 sub.
	debris or excavated	leg.) to drive
	materials within,	a medium goods
	into or out of	vehicle";
	construction sites	

(xiii) in item 54, in column 2, by deleting everything after "車輛" and substituting "在建造工地範圍內運送建造物料、建築碎料或挖掘出來的沙石，或將該等物料、碎料或沙石運入或運出建造工地"；

(xiv) in item 55, in column 2, by deleting "程" and substituting "作".

(c) In Part 2 -

(i) in the heading, by deleting ", REGISTERED SKILLED WORKER (TRANSITIONAL)";

(ii) in item 1, in column 2, by deleting ", and" and substituting "and in";

- (iii) in item 4, in column 2 -
  - (A) by adding ", maintain and repair" after "install";
  - (B) by deleting "and access control systems" and substituting ", access control systems, and building control and monitoring systems";
- (iv) in item 7, in column 2, by deleting everything after "wiring systems," and substituting "private automatic branch exchange systems, intercom systems, in-building coaxial cable distribution systems, and other wired or wireless signal transmission and reception systems";
- (v) in item 13, in columns 1, 3 and 5, by deleting "器" and substituting "氣";
- (vi) in item 21, in column 2, by deleting "building foundations" and substituting "underground caissons";



- (vii) in item 27, in column 2, by deleting "拆卸" and substituting "拆除";
- (viii) in item 31, in column 1, paragraph (a) of column 3 and column 5, by deleting "匠" and substituting "工";
- (ix) in item 33 -
  - (A) in column 2 -
    - (I) by adding "用於" after "修理";
    - (II) in paragraph (a), by deleting "用於";
  - (B) by deleting column 3 and substituting -
    - "Either one of the following -
      - (a) trade certificate for Refrigeration/Air-conditioning/Ventilation Mechanic (Electrical Control) issued by VTC; or

(b) certificate of registration as an electrical worker issued under section 30 of the Electricity Ordinance (Cap. 406) on which the Director of Electrical and Mechanical Services specifies that the holder is entitled to do electrical work on an air-conditioning installation";

(x) in item 36 -

(A) in column 1, by deleting "and Refrigerant";

(B) in column 2, by deleting everything after "water" and substituting "systems for air-conditioning systems (including air-handling and water condensing equipment)";

(C) in columns 3 and 5, by  
deleting "and Refrigerant".

(d) In Part 3 -

(i) in item 1, in columns 1 and 3, by  
deleting "髹" and substituting "油";

(ii) in item 2, in column 2, by adding  
"(工人軚)" after "機".

Schedule 4 (a) By deleting "14, 16 & 66]" and substituting  
"16 & 66]".

(b) In section 2(2), by deleting "9" and  
substituting "10".

(c) In section 8(4)(a), by deleting "a member of  
the Complaints Committee,".

(d) By deleting Part 4.

(e) In section 14(4)(a), by deleting ", a member  
of the Complaints Committee".